

U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street, 3rd Floor
New York, New York 10007

March 17, 2008

By Hand

Hon. Laura Taylor Swain
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

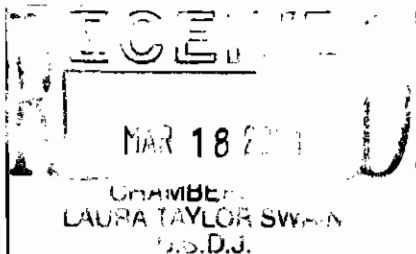
IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel for represented parties and filing a certificate of service within 5 days from the date hereof. Do not attach certification to Chambers.

Re: O'Sullivan v. U.S. Drug Enforcement Agency, DEA Agent Andrew, and Five Unknown Named Agents of the Drug Enforcement Agency (DEA Agents John Doe 1-5), 07 Civ. 9932 (LTS)

Dear Judge Swain:

I represent the United States Drug Enforcement Agency ("DEA") in the above-referenced action matter, brought pursuant to Bivens v. Six Unknown Fed. Narcotics Agents, 403 U.S. 388 (1971) and the Federal Tort Claims Act. I write respectfully to request that the Court (i) extend the DEA's time to answer from March 17, 2008, to May 16, 2008, and (ii) that the Court adjourn the initial pretrial conference currently scheduled for April 3, 2008, to June 5, 2008, or a time convenient to the Court. I have left a message for plaintiff's counsel, James LeBow, concerning this request, but have not yet heard back from him.

I make this request to provide the DEA with sufficient time to identify the individual agents allegedly involved in this matter and to allow such individuals an opportunity to request representation from the Department of Justice. The complaint in the above-referenced action arises from an arrest allegedly conducted by the DEA on January 25, 2006, and names one partially identified and five unknown DEA agents. DEA has conducted a search to identify any DEA agents involved in the alleged incident. Currently, the DEA has tentatively identified certain individuals and has begun the process of notifying them of the lawsuit. Accordingly, the DEA requests additional time to complete the process of identifying the appropriate individuals and to provide them with time to obtain appropriate representation in this matter.



Copies ~~sent~~/faxed to
Chambers of Judge Swain
3-19-08
AUSA

Hon. Laura Taylor Swain

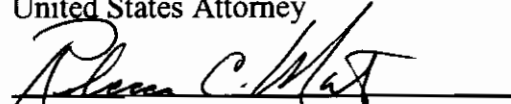
March 17, 2008

Thank you for your consideration of this request.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney


By:


REBECCA C. MARTIN
Assistant United States Attorney
Telephone: (212) 637-2714
Facsimile: (212) 637-2686

cc: James P. Le Bow, Esq.
488 Madison, Suite 1100
New York, New York 10022
Tel.: (212) 868-3311

The requests are granted.
The initial pretrial conference is
adjourned to June 13, 2008, at
11:30 AM and the related
deadlines are modified accordingly.

SO ORDERED.


LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE